



General Assembly

February Session, 2002

Amendment

LCO No. 4677

HB0575904677HD0

Offered by:

REP. LAWLOR, 99th Dist.

REP. SAN ANGELO, 131st Dist.

REP. GODFREY, 110th Dist.

REP. STONE, 134th Dist.

To: Subst. House Bill No. 5759

File No. 462

Cal. No. 305

"AN ACT CONCERNING ACTS OF TERRORISM."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
4 an act of terrorism when such person, with intent to intimidate or
5 coerce the civilian population or a unit of government, commits a
6 felony involving the unlawful use or threatened use of physical force
7 or violence.

8 (b) When any person has been found guilty of an act of terrorism,
9 and the court is of the opinion that such person's history and character
10 and the nature and circumstances of such person's criminal conduct
11 indicate that an increased penalty will best serve the public interest,
12 the court shall, in lieu of imposing the sentence authorized for the
13 crime under section 53a-35a of the general statutes, impose the

14 sentence of imprisonment authorized by said section for the next more
15 serious degree of felony.

16 Sec. 2. Section 53-80a of the general statutes is repealed and the
17 following is substituted in lieu thereof (*Effective October 1, 2002*):

18 (a) Any person, other than [one] a person engaged in the
19 manufacture of firearms or [explosives or incendiary devices] weapons
20 of mass destruction for lawful purposes, who fabricates, in any
21 manner, any [type of an explosive, incendiary or other device designed
22 to be dropped, hurled, or set in place to be exploded by a timing
23 device] weapon of mass destruction, shall be guilty of a class B felony.

24 (b) For the purposes of this section, "weapon of mass destruction"
25 means (1) any explosive or incendiary device designed for use as a
26 weapon, (2) a weapon designed or intended to cause death or serious
27 physical injury by the release, dissemination or impact of toxic or
28 poisonous chemicals or their precursors, (3) a weapon involving a
29 disease organism, or (4) a weapon designed to release radiation or
30 radioactivity at a level dangerous to human life.

31 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
32 hindering prosecution in the first degree when such person renders
33 criminal assistance to another person who has committed a class A or
34 B felony or an unclassified felony for which the maximum penalty is
35 imprisonment for more than ten years and such other person
36 committed such felony with intent to intimidate or coerce the civilian
37 population or a unit of government.

38 (b) Hindering prosecution in the first degree is a class C felony and
39 any person found guilty under this section shall be sentenced to a term
40 of imprisonment of which five years of the sentence imposed may not
41 be suspended or reduced by the court.

42 Sec. 4. Section 53a-166 of the general statutes is repealed and the
43 following is substituted in lieu thereof (*Effective October 1, 2002*):

44 (a) A person is guilty of hindering prosecution in the [first] second
45 degree when [he] such person renders criminal assistance to [a]
46 another person who has committed a class A or class B felony or an
47 unclassified [offense] felony for which the maximum penalty is
48 imprisonment for more than ten years.

49 (b) Hindering prosecution in the [first] second degree is a class D
50 felony.

51 Sec. 5. Section 53a-167 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective October 1, 2002*):

53 (a) A person is guilty of hindering prosecution in the [second] third
54 degree when [he] such person renders criminal assistance to [a]
55 another person who has committed a class C or class D felony or an
56 unclassified [offense] felony for which the maximum penalty is
57 imprisonment for ten years or less but more than one year.

58 (b) Hindering prosecution in the [second] third degree is a class A
59 misdemeanor.

60 Sec. 6. Section 53a-165 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective October 1, 2002*):

62 As used in sections 53a-166 and 53a-167, as amended by this act,
63 and section 3 of this act, a person "renders criminal assistance" when,
64 with intent to prevent, hinder or delay the discovery or apprehension
65 of, or the lodging of a criminal charge against, [a] another person
66 whom [he] such person knows or believes has committed a felony or is
67 being sought by law enforcement officials for the commission of a
68 felony, or with intent to assist [a] another person in profiting or
69 benefiting from the commission of a felony, [he] such person: (1)
70 Harbors or conceals such other person; or (2) warns such other person
71 of impending discovery or apprehension; or (3) provides such other
72 person with money, transportation, weapon, disguise or other means
73 of avoiding discovery or apprehension; or (4) prevents or obstructs, by
74 means of force, intimidation or deception, [anyone] any person from

75 performing an act which might aid in the discovery or apprehension of
76 such other person or in the lodging of a criminal charge against [him]
77 such other person; or (5) suppresses, by an act of concealment,
78 alteration or destruction, any physical evidence which might aid in the
79 discovery or apprehension of such other person or in the lodging of a
80 criminal charge against [him] such other person; or (6) aids such other
81 person to protect or expeditiously profit from an advantage derived
82 from such crime.

83 Sec. 7. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
84 damage to public transportation property for terrorist purposes when
85 such person, with intent to cause damage to bus, railroad or other
86 public transportation property or to cause an interruption or
87 impairment of transportation service rendered to the public, and with
88 intent to intimidate or coerce the civilian population or a unit of
89 government, damages such property or tampers with such property
90 and thereby causes such property to be placed in danger of damage.

91 (b) Damage to public transportation property for terrorist purposes
92 is a class C felony.

93 Sec. 8. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
94 contaminating a public water supply or food supply for terrorist
95 purposes when such person, with intent to intimidate or coerce the
96 civilian population or a unit of government, introduces a hazardous
97 substance into (1) any storage reservoir or distribution reservoir, as
98 those terms are defined in section 25-43 of the general statutes, or any
99 lake or pond, or any stream tributary thereto, that is used for
100 supplying the inhabitants of a town, city or borough with water, or (2)
101 any source or supply of food, as defined in section 21a-92 of the
102 general statutes, that is intended for human consumption.

103 (b) For the purposes of this section, "hazardous substance" means
104 any physical, chemical, biological or radiological substance or matter
105 which, because of its quantity, concentration or physical, chemical or
106 infectious characteristics, may cause or significantly contribute to an

107 increase in mortality or an increase in serious irreversible or
108 incapacitating reversible illness, or pose a substantial present or
109 potential hazard to human health.

110 (c) Contaminating a public water supply or food supply for terrorist
111 purposes is a class C felony and any person found guilty under this
112 section shall be sentenced to a term of imprisonment of which five
113 years of the sentence imposed may not be suspended or reduced by
114 the court.

115 Sec. 9. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
116 computer crime in furtherance of terrorist purposes when such person,
117 with intent to intimidate or coerce the civilian population or a unit of
118 government, commits computer crime, as defined in section 53a-251 of
119 the general statutes, or commits a violation of any provision of section
120 53-451 of the general statutes.

121 (b) Computer crime in furtherance of terrorist purposes is a class B
122 felony and, if such offense is directed against any public agency, as
123 defined in section 1-200 of the general statutes, as amended, that is
124 charged with the protection of public safety, five years of the sentence
125 imposed may not be suspended or reduced by the court.

126 Sec. 10. (NEW) (*Effective October 1, 2002*) (a) A person is guilty of
127 criminal misrepresentation when such person, with intent to
128 intimidate or coerce the civilian population or a unit of government
129 and with respect to any criminal matter under investigation by an
130 agency or official of the state or any political subdivision of the state,
131 knowingly and wilfully (1) falsifies, conceals or covers up a material
132 fact by any trick, scheme or device, (2) makes any materially false,
133 fictitious or fraudulent statement or representation, or (3) makes or
134 uses any false writing or document knowing the same to contain any
135 materially false, fictitious or fraudulent statement or entry, and such
136 act materially impairs such investigation.

137 (b) Criminal misrepresentation is a class C felony.

138 Sec. 11. Section 54-47b of the general statutes is repealed and the
139 following is substituted in lieu thereof (*Effective October 1, 2002*):

140 For the purposes of sections 54-47a to 54-47h, inclusive, as amended:

141 (1) "Applicant" means any judge of the Superior Court, Appellate
142 Court or Supreme Court, the Chief State's Attorney or a state's attorney
143 who makes an application to a panel of judges for an investigation into
144 the commission of a crime or crimes.

145 (2) "Crime or crimes" means (A) any crime or crimes involving
146 corruption in the executive, legislative or judicial branch of state
147 government or in the government of any political subdivision of the
148 state, (B) fraud by a vendor of goods or services in the medical
149 assistance program under Title XIX of the Social Security Act
150 Amendments of 1965, as amended, (C) any violation of chapter 949c,
151 (D) any violation of the election laws of the state, (E) any felony
152 involving the unlawful use or threatened use of physical force or
153 violence committed with the intent to intimidate or coerce the civilian
154 population or a unit of government, and ~~[(E)]~~ (F) any other class A, B
155 or C felony or any unclassified felony punishable by a term of
156 imprisonment in excess of five years for which the Chief State's
157 Attorney or state's attorney demonstrates that he or she has no other
158 means of obtaining sufficient information as to whether a crime has
159 been committed or the identity of the person or persons who may have
160 committed a crime.

161 (3) "Investigatory grand jury" means a judge, constitutional state
162 referee or any three judges of the Superior Court, other than a judge
163 designated by the Chief Justice to serve on the panel, appointed by the
164 Chief Court Administrator to conduct an investigation into the
165 commission of a crime or crimes.

166 (4) "Panel of judges" or "panel" means a panel of three Superior
167 Court judges designated by the Chief Justice of the Supreme Court
168 from time to time to receive applications for investigations into the
169 commission of crimes in accordance with the provisions of sections 54-

170 47a to 54-47h, inclusive, as amended, one of whom may be the Chief
171 Court Administrator.

172 Sec. 12. Section 42-230 of the general statutes is repealed and the
173 following is substituted in lieu thereof (*Effective October 1, 2002*):

174 No person, firm or corporation shall increase the price of any item
175 which such person, firm or corporation sells or offers for sale at retail
176 at any location in an area which is the subject of any disaster
177 emergency declaration issued by the Governor pursuant to chapter
178 517, any transportation emergency declaration issued by the Governor
179 pursuant to section 3-6b or any major disaster or emergency
180 declaration issued by the President of the United States, until the
181 period of emergency or disaster is declared by the Governor or the
182 President to be at an end. Nothing in this section shall prohibit the
183 fluctuation in the price of items sold at retail which occurs during the
184 normal course of business. Any person, firm or corporation which
185 violates any provision of this section shall be fined not more than
186 ninety-nine dollars. Any violation of the provisions of this section shall
187 be deemed an unfair or deceptive trade practice under subsection (a)
188 of section 42-110b.

189 Sec. 13. Section 54-41b of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective October 1, 2002*):

191 The Chief State's Attorney or the state's attorney for the judicial
192 district in which the interception is to be conducted may make
193 application to a panel of judges for an order authorizing the
194 interception of any wire communication by investigative officers
195 having responsibility for the investigation of offenses as to which the
196 application is made when such interception may provide evidence of
197 the commission of offenses involving gambling, bribery, violations of
198 section 53-395, violations of section 21a-277, [or] felonious crimes of
199 violence or felonies involving the unlawful use or threatened use of
200 physical force or violence committed with the intent to intimidate or
201 coerce the civilian population or a unit of government.

202 Sec. 14. (NEW) (*Effective October 1, 2002*) Nothing in chapter 959a of
203 the general statutes shall preclude the receipt in evidence in a court of
204 this state of any intercepted wire communication obtained in
205 conformity with 18 USC 2510 et seq.

206 Sec. 15. Section 7 of public act 01-2 of the November 15 special
207 session is repealed and the following is substituted in lieu thereof
208 (*Effective October 1, 2002*):

209 (a) A person is guilty of threatening in the first degree when such
210 person (1) threatens to commit [any crime of violence or] any crime
211 involving the use of a hazardous substance with the intent to terrorize
212 another person, to cause evacuation of a building, place of assembly or
213 facility of public transportation or otherwise to cause serious public
214 inconvenience, or (2) threatens to commit such crime [of violence or
215 crime involving the use of a hazardous substance] in reckless disregard
216 of the risk of causing such terror, evacuation or inconvenience.

217 (b) For the purposes of this section, "hazardous substance" means
218 any physical, chemical, biological or radiological substance or matter
219 which, because of its quantity, concentration or physical, chemical or
220 infectious characteristics, may cause or significantly contribute to an
221 increase in mortality or an increase in serious irreversible or
222 incapacitating reversible illness, or pose a substantial present or
223 potential hazard to human health.

224 (c) Threatening in the first degree is a class D felony.

225 Sec. 16. Section 53a-62 of the general statutes, as amended by section
226 8 of public act 01-2 of the November 15 special session, is repealed and
227 the following is substituted in lieu thereof (*Effective October 1, 2002*):

228 (a) A person is guilty of threatening in the second degree when: [
229 by] (1) By physical threat, such person intentionally places or attempts
230 to place another person in fear of imminent serious physical injury, (2)
231 such person threatens to commit any crime of violence with the intent
232 to terrorize another person, or (3) such person threatens to commit

233 such crime of violence in reckless disregard of the risk of causing such
234 terror.

235 (b) Threatening in the second degree is a class A misdemeanor."

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>
Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>
Sec. 8	<i>October 1, 2002</i>
Sec. 9	<i>October 1, 2002</i>
Sec. 10	<i>October 1, 2002</i>
Sec. 11	<i>October 1, 2002</i>
Sec. 12	<i>October 1, 2002</i>
Sec. 13	<i>October 1, 2002</i>
Sec. 14	<i>October 1, 2002</i>
Sec. 15	<i>October 1, 2002</i>
Sec. 16	<i>October 1, 2002</i>